

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index No.:

Date Purchased:

-----X
YU LING SHEN,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.
-----X

To the above named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to answer, judgement will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
May 20, 2014

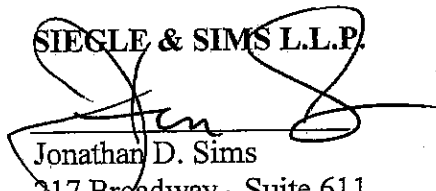
Defendant's Address:

CITY OF NEW YORK
Corporation Counsel
100 Church Street
New York, NY 10007

Yours, etc.

By:

SIEGLE & SIMS L.L.P.


Jonathan D. Sims
217 Broadway - Suite 611
New York, NY 10007
(212) 406-0110

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X
YU LING SHEN,

Index No.:

Plaintiff,

VERIFIED COMPLAINT

-against-

CITY OF NEW YORK,

Defendant.
-----X

To the above named Defendant:

Plaintiff, YU LING SHEN complaining of the defendant CITY OF NEW YORK ("CITY") herein, by and through his attorneys SIEGLE & SIMS L.L.P., alleges the following upon information and belief:

1. At all times herein mentioned, defendant CITY was and is a municipal corporation organized and existing under and by virtue of the laws of the State of New York
2. On or about February 24, 2014, before the commencement of this action, a Notice of Claim on behalf of the plaintiff, YU LING SHEN, was served in writing, sworn to by or on behalf of claimant/plaintiff, by delivering same by personal service upon CITY, which said Notice of Claim set forth the name and post office address of claimant and claimant's attorneys, the notice of claim, the time when, the place where, and the manner in which the claim arose and the items of damages or injuries claimed to have been sustained as far as then practicable.
3. Said Notice of Claim was presented and delivered to CITY within ninety (90) days after the claim herein sued upon arose and before the commencement of this action.
4. On May 5, 2014, defendant CITY orally examined plaintiff YU LING SHEN and had an opportunity to physically examine YU LING SHEN.

5. This action was commenced within one year after such cause of action arose and thirty (30) days have elapsed since the service of this claim or such claim was presented, and CITY has failed and refused to make an adjustment or payment of said claim.

6. On February 20, 2014, at approximately 8:00 a.m., plaintiff was lawfully present inside of his apartment at 176 Eldridge Street, Apt. 5D, in the County, City, and State of New York, had not committed any crime, and was not engaged in any wrongdoing.

7. On that date and at that time, plaintiff was handcuffed, arrested, and taken into custody and punched and kicked by members of the New York City Police Department, without probable cause and not having committed any unlawful conduct.

8. Plaintiff was issued a summons charging him with Disorderly Conduct in the Criminal Court of the City of New York.

9. The sole charge against plaintiff was dismissed and sealed.

AS AND FOR A FIRST CAUSE OF ACTION
FALSE ARREST AND IMPRISONMENT

10. Plaintiff repeats and reiterates the allegations contained in paragraphs 1 through 9.

11. On February 20, 2014, defendant CITY, its agents, servants and/or employees, arrested plaintiff YU LING SHEN, handcuffed him, took him into custody, and detained him .

12. Plaintiff YU LING SHEN was conscious of the arrest and confinement.

13. Plaintiff YU LING SHEN did not consent to the confinement.

14. The arrest and confinement of plaintiff YU LING SHEN was not otherwise privileged.

15. The arrest and confinement of plaintiff YU LING SHEN was without probable cause.

16. As a result, plaintiff YU LING SHEN suffered physical and mental injuries.

17. As a result thereof, plaintiff YU LING SHEN has been damaged in an amount exceeding the jurisdictional of all lower courts that might otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION
ASSAULT

18. Plaintiff repeats and reiterates the allegations contained in paragraphs 1 through 17.

19. The conduct of CITY, its agents, servants and/or employees detailed herein, including the punching and kicking of plaintiff, was done with the intent of placing plaintiff YU LING SHEN in fear of imminent harmful and offensive conduct and did in fact place plaintiff YU LING SHEN in fear of imminent harmful and offensive conduct.

20. As a result, plaintiff YU LING SHEN suffered physical and mental injuries.

21. As a result thereof, plaintiff has been damaged in a sum which exceeds the jurisdiction of all lower courts that might otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION
BATTERY

22. Plaintiff repeats and reiterates the allegations contained in paragraphs 1 through 21.

23. Defendant CITY, its agents, servants and/or employees conduct detailed toward plaintiff herein, including the punching and kicking of plaintiff was intentional.

24. Plaintiff did not consent to the intentional touching of his body and person.

25. Such conduct by the defendant CITY, its agents, servants and/or employees towards plaintiff constituted offensive bodily contact.

26. As a result, plaintiff suffered physical and mental injuries.

27. As a result thereof, plaintiff has been damaged in an amount which exceeds the jurisdiction of all lower courts that might otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION
MALICIOUS PROSECUTION

28. Plaintiff repeats and reiterates the allegations contained in paragraphs 1 through 27.

29. Defendant CITY, its agents, servants and/or employees initiated a prosecution against plaintiff YU LING SHEN while having no probable cause to believe that plaintiff YU LING SHEN committed any crimes.

30. Defendant CITY, its agents, servants and/or employees acted maliciously in initiating said prosecution against plaintiff YU LING SHEN.

32. Defendant CITY, its agents, servants and/or employees did not act in good faith when initiating said prosecution against plaintiff YU LING SHEN.

33. Defendant CITY, its agents, servants and/or employees did not act on reasonable grounds when initiating said prosecution against plaintiff YU LING SHEN and the criminal matter terminated in his favor.

34. As a result, plaintiff YU LING SHEN suffered physical and mental injuries.

35. As a result thereof, plaintiff YU LING SHEN has been damaged in an amount which exceeds the jurisdiction of all lower courts that might otherwise have jurisdiction.

CUSTOMS AND PRACTICES OF DEFENDANT CITY OF NEW YORK WHICH LED TO THE ASSAULT, BATTERY, FALSE ARREST AND IMPRISONMENT AND MALICIOUS PROSECUTION OF PLAINTIFF

36. Defendant CITY has customs and practices that it employs which caused and/or contributed to plaintiff's false arrest and imprisonment, assault, battery and malicious prosecution.

37. It is the custom and/or practice of defendant CITY, its agents, servants and/or

employees, to routinely seize individuals, without sufficient and legal probable cause.

38. Defendant CITY, its agents, servants and/or employees, due to a lack of training and supervision, fail to train and/or improperly train its employees in assessing the sufficiency of probable cause to seize an individual, especially in situations involving the execution of search warrants.

39. Defendant CITY, its agents, servants, and/or employees, due to a lack of training and supervision, routinely engage in a custom or practice of making arrests without sufficient and legal probable cause.

40. Defendant CITY, its agents, servants and/or employees fails to train and/or improperly trains its employees in recognizing probable cause sufficient to seize and individual suspected of a crime.

AS AND FOR A FIFTH CAUSE OF ACTION
CIVIL RIGHTS PURSUANT TO FOURTH AMENDMENT

41. Plaintiff repeats and reiterates the allegations contained in paragraphs 1 through 40.

42. Defendant's conduct and actions toward plaintiff detailed herein, including the physical apprehension of plaintiff, the handcuffing of plaintiff, the removal of plaintiff to a police precinct, and the forcible arrest and confinement of plaintiff without probable cause, were in violation of the rights guaranteed plaintiff pursuant to the Fourth Amendment of the United States Constitution.

43. The conduct and acts of the defendant were performed under the color of the governmental authority of the CITY.

44. As a result of its conduct, the CITY violated plaintiff's civil rights and are liable to plaintiff pursuant to 42 U.S.C. §1983.

45. As a result, plaintiff suffered physical and mental injuries.

46. As a result thereof, plaintiff has been damaged in a sum which exceeds the jurisdiction of all lower court which might otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION
CIVIL RIGHTS PURSUANT TO FIFTH & FOURTEENTH AMENDMENTS

47. Plaintiff repeats and reiterates the allegations contained in paragraphs 1 through 46.

48. Defendant's conduct and actions toward plaintiff detailed herein, including the arrest, confinement, and search of plaintiff, were in violation of the rights guaranteed plaintiff pursuant to the Fifth and Fourteenth Amendments of the United States Constitution.

49. Defendants' conduct and actions toward plaintiff deprived plaintiff of life, liberty and property without due process of law.

50. The conduct and acts of the defendant were performed under the color of the governmental authority of the CITY.

51. As a result of their conduct, defendant violated plaintiff's civil rights and are liable to plaintiff pursuant to 42 U.S.C. §1983.

52. As a result, plaintiff suffered physical and mental injuries, as well as loss of property.

53. As a result thereof, plaintiff has been damaged in a sum which exceeds the jurisdiction of all lower courts which might otherwise have jurisdiction.

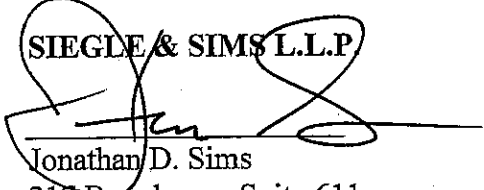
WHEREFORE, plaintiff YU LING SHEN demands judgment against defendant CITY OF NEW YORK, in a sum in excess of the jurisdiction of all lower courts which might otherwise have jurisdiction for each cause of action alleged, together with the costs and disbursements of this action, including attorneys fees.

Dated: New York, New York
May 20, 2014

Yours, etc.

SIEGLE & SIMS L.L.P.


By:


Jonathan D. Sims
217 Broadway - Suite 611
New York, NY 10007
(212) 406-0110

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

YU LING SHEN being duly sworn, deposes and says: Deponent has read the foregoing VERIFIED COMPLAINT and knows the contents thereof to be true and the same is true to Deponent's own knowledge except as to those matters therein stated to be alleged upon information and belief, and as to those matters Deponent believes them to be true.


YU LING SHEN

Sworn to before me this
20th day of May, 2014


NOTARY PUBLIC

ERIC W. SIEGLE
Notary Public, State of New York
No. 6226122055
Qualified in New York County
Commission Expires February 3, 2015